

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gary M. Fieber
Debtor(s)

Bankruptcy Case No.: 17-22269-JAD
Issued Per Sep. 18, 2017 Proceeding
Chapter: 13
Docket No.: 35 - 18
Concil. Conf.: December 7, 2017 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 26, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 7, 2017 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: This plan is confirmed on an interim basis, pending final confirmation or amended plan, to pay Credit Acceptance and Attorney fees. All other claims are on reserve. The claim of Credit Acceptance at Claim No. 1 shall govern as to amount, to be paid as modified in the plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 25, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Gary M. Fieber
 Debtor

Case No. 17-22269-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 29

Date Rcvd: Sep 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2017.

db +Gary M. Fieber, 102 Golden Eagle Drive, Venetia, PA 15367-1457
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 564 Forbes Avenue,
 Manor Building, Pittsburgh, PA 15219-2908
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 cr +Peters Township & Peters Township School District, Goehring, Rutter & Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +United States of America Department of the Treasur, c/oOffice of U.S. Atty for W.D. of PA,
 U.S. Post Office & Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219,
 U.S.A. 15219-1956
 14636499 +ANS Landscaping, 2150 Washington Road, Canonsburg, PA 15317-4912
 14636501 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, c/o TSYS Total Debt Management, P.O. Box 5155,
 Norcross, GA 30091)
 14636502 +Chrysler Capital, Attn: Bankruptcy Dept., P.O. Box 961278, Fort Worth, TX 76161-0278
 14636504 +Credit Acceptance Corp., Silver Triangle Building, 25505 West Twelve Mile Road,
 Southfield, MI 48034-8331
 14636505 +Deutsche Bank National Trust Company, Trustee for Long Beach Mtg Trust 2006-8,
 3415 Vision Drive, Columbus, OH 43219-6009
 14636506 +Equitable Gas Company, c/o Judy Gawlowski, 225 North Shore Drive--2nd Floor,
 Pittsburgh, PA 15212-5860
 14636507 +Gefsky and Lehman, 2301 One PPG Place, Pittsburgh, PA 15222-5401
 14636508 +Infinity Preferred Insurance Company, 3700 Colonnade Parkway, Birmingham, AL 35243-3219
 14636500 +John T. Burns, Esq., Burns Law Office, 14300 Nicollett Court, Burnsville, MN 55306-4501
 14636510 +KML Law Group, Suite 5000 BNY Mellon Independence Ctr., 701 Market Street,
 Philadelphia, PA 19106-1538
 14636511 MedExpress Billing, P.O. Box 7964, Belfast, ME 04915-7900
 14636513 +Pennsylvania American Water Company, P.O. Box 578, Alton, IL 62002-0578
 14674118 +Peters Township, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14674119 +Peters Township & Peters Township SD, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14636514 +Pro Solutions for Chiropractic, Inc., 370 Southpointe Boulevard, Canonsburg, PA 15317-8572
 14636516 +Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 14636517 Washington County Tax Revenue Department, Debbie Bardella, Director of Revenue,
 100 West Beau Street--Suite 205, Washington, PA 15301-4483

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14636503 +E-mail/Text: svlainich@communitybank.tv Sep 26 2017 01:31:00 Community Bank,
 Attn: Collection Department, 90 West Chestnut Street--Suite 100,
 Washington, PA 15301-4524
 14636509 E-mail/Text: cio.bncmail@irs.gov Sep 26 2017 01:30:29 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14636512 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 26 2017 01:30:39 PA Department of Revenue,
 Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
 14697241 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 26 2017 01:41:36
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14640926 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 26 2017 01:30:39
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946
 14636515 E-mail/Text: bankruptcynotices@pch.com Sep 26 2017 01:30:33 Publishers Clearing House,
 P.O. Box 4002936, Des Moines, IA 50340-2936
 14636516 +E-mail/Text: jennifer.chacon@sp servicing.com Sep 26 2017 01:31:30
 Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 14636518 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 26 2017 01:30:55 West Penn Power,
 1310 Fairmont Avenue, Fairmont, WV 26554-3526

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Deutsche Bank National Trust Company, as Trustee,
 14693677* Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg, PA 17128-0946

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 29

Date Rcvd: Sep 25, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 27, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 25, 2017 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
Daniel R. White on behalf of Debtor Gary M. Fieber dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, in
trust for registered Holders of Long Beach Mortgage Loan Trust 2006-8, Asset-Backed Certificates,
Series 2006-8 bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Peters Township & Peters Township School District
jhunt@grblaw.com, cnoroski@grblaw.com
Jill Locnikar on behalf of Creditor United States of America Department of the Treasury,
Internal Revenue Service jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov;deborah.veerrilla@usdoj.gov;caseview.ecf@usdoj.gov
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 8